

HOUSE BILL No. 1184

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2-62.5; IC 9-21-16.

Synopsis: Enforcement of fire lane restrictions. Defines "fire lane" for purposes of the law concerning motor vehicles. Specifies the way in which an area may be designated a fire lane. Allows a law enforcement agency to appoint volunteers to issue complaints and summonses for stopping, standing, or parking a vehicle in a fire lane. Allows a county, city, or town to adopt and enforce an ordinance that regulates stopping, standing, or parking of a vehicle in a fire lane if the ordinance does not conflict with state law.

Effective: July 1, 2001.

Cheney

January 9, 2001, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1184

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-13-2-62.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2001]: **Sec. 62.5. (a) As used in subsection (b), "building" means**
4 **a building that is occupied for:**

- 5 **(1) commercial purposes;**
- 6 **(2) professional purposes;**
- 7 **(3) religious purposes; or**
- 8 **(4) any other purpose.**

9 **However, the term does not include a building that is intended for**
10 **use as a dwelling for one (1) or two (2) families.**

11 **(b) "Fire lane", for purposes of IC 9-21-16-5.5, means an area**
12 **that is:**

- 13 **(1) located within twelve (12) feet of:**
 - 14 **(A) a building; or**
 - 15 **(B) a sidewalk immediately adjacent to or attached to a**
 - 16 **building; and**
- 17 **(2) designated as a fire lane under IC 9-21-16-5.5(c).**



(c) The term "fire lane" may include an alley.

SECTION 2. IC 9-21-16-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5.5. (a) This section applies to a fire lane that is located on property that is privately or publicly owned.

(b) A person may not stop, stand, or park a vehicle in a fire lane.

(c) This section may be enforced by any of the following law enforcement officers:

(1) A state police officer.

(2) A city, town, or county police officer.

(3) A sheriff.

(c) An area described in IC 9-13-2-62.5(b)(i) is a fire lane if it is designated as a fire lane under this subsection. To be designated, an area must be marked with the words "No Parking Fire Lane" in white letters and a stripe of not less than four (4) inches in width, in conformance with the Indiana Manual on Uniform Traffic Control Devices. The words and stripe must be placed twelve (12) feet from the sidewalk, curb, or building. The words "No Parking Fire Lane" must be positioned between the stripe and the sidewalk, curb, or building.

(d) This section does not prohibit a county, city, or town from adopting and enforcing an ordinance that regulates stopping, standing, and parking of motor vehicles in a fire lane. The ordinance may authorize any member of a particular volunteer fire department or any member of the county's, city's, or town's fire department to enforce the ordinance.

(e) An ordinance adopted under subsection (d) may not conflict with this section.

(f) A law enforcement agency authorized to enforce:

(1) subsection (b); or

(2) an ordinance adopted under subsection (d);

may appoint volunteers to issue complaints and summonses for violations of subsection (b) or an ordinance adopted under subsection (d).

(g) To issue complaints and summonses, a volunteer appointed under subsection (f) must:

(1) be at least twenty-one (21) years of age;

(2) complete a course of instruction concerning the enforcement of this chapter that is conducted by the appointing law enforcement agency;

(3) after successfully completing the course of instruction, obtain a certificate from the executive authority of the

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1 appointing law enforcement agency; and

2 (4) satisfy any other qualifications established by the law
3 enforcement agency.

4 (h) The executive authority of a law enforcement agency that
5 appoints volunteers under subsection (f) shall file a copy of each
6 certificate issued under subsection (g)(3) with the prosecuting
7 attorney having jurisdiction over the area served by the law
8 enforcement agency.

9 (i) A complaint and summons issued by a volunteer appointed
10 under subsection (f) has the same force and effect as a complaint
11 and summons issued by a law enforcement officer for the same
12 violation.

13 (j) A volunteer appointed under subsection (f) does not have
14 powers of a law enforcement officer, except those powers granted
15 under this section.

16 (k) The executive authority of a law enforcement authority that
17 appoints a volunteer under subsection (f) may, at any time, revoke
18 the certificate issued to the volunteer under subsection (g)(3). If a
19 certificate is revoked under this subsection:

20 (1) the executive authority shall notify the prosecuting
21 attorney with whom the certificate was filed under subsection

22 (h) of the revocation; and

23 (2) the volunteer's powers under this section terminate
24 immediately upon the revocation.

25 (l) A volunteer appointed under subsection (f) may not issue a
26 complaint and summons upon private property unless the law
27 enforcement agency that appointed the volunteer first receives
28 permission from the property owner or the property manager.

29 (m) A property owner is not liable for property damage or
30 personal injury resulting from the actions of a volunteer appointed
31 under subsection (f) issuing a complaint and summons.

32 SECTION 3. IC 9-21-16-5.7 IS ADDED TO THE INDIANA CODE
33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
34 1, 2001]: Sec. 5.7. A person enforcing this chapter may issue a
35 complaint and summons for a violation of section 5.5(b) of this
36 chapter or an ordinance adopted under section 5.5(d) of this
37 chapter on a form other than the forms described in IC 9-30-3-6.
38 However, the complaint must comply with the Indiana Rules of
39 Trial Procedure.

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